THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.20360 OF 2005

DATED:15.9.2005

Between:

Chakali Ramaiah and another

…Petitioners

And

The Joint Collector,

Ranga Reddy District

Lakadikapool, Hyderabad and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.20360 OF 2005

ORDER:

One Chakali Balaiah @ Chakali Baligha was allegedly a protected tenant of land admeasuring Ac.11.01 gts. in S.No.112 of Malkaram Village, Shamshabad Mandal, Ranga Reddy District. He died on 30.10.1982. The petitioners herein, claimed to be the only legal heirs of Balaiah, approached third respondent purportingly under Section 40 of the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (for short, the Act) for succession certificate. Their request was rejected by third respondent and they were asked to furnish the details of the succession certificate obtained from Civil Court. The memo of the Mandal Revenue Officer, dt.25.8.2005 is

assailed in the Writ Petition.

Reliance is placed on Section 40 of the Act. A plain reading of the same would not support the contention of the learned counsel for the petitioners that the Mandal Revenue Officer is competent to issue succession certificate. The law provides for obtaining succession certificate and unless and until a person is obtained succession certificate, Mandal Revenue Officer is not entitled to recognize the petitioners as successors of the protected tenant entitled to inherit the land under Section 40 of the Act. If so advised, petitioners may approach the Civil Court and obtain succession certificate.

The Writ Petition with the above observations is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

15.9.2005

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